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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO	
10/614,411	07/07/2003	Johannes J. Mons	PHN 14,471B	7456	
24737	24737 7590 08/21/2006		EXAMINER		
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			TRAN, THANG V		
			ART UNIT	PAPER NUMBER	
			2627		
			DATE MAILED: 08/21/2000	6	

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)			
Office Action Summary		10/614,411	MONS ET AL.			
		Examiner	Art Unit			
		Thang V. Tran	2627			
Period fo	The MAILING DATE of this communication app or Reply	ears on the cover sheet with the c	orrespondence address			
WHIC - External after - If NO - Failu Any	ORTENED STATUTORY PERIOD FOR REPLY CHEVER IS LONGER, FROM THE MAILING DATE in a sions of time may be available under the provisions of 37 CFR 1.13 SIX (6) MONTHS from the mailing date of this communication. It is period for reply is specified above, the maximum statutory period were to reply within the set or extended period for reply will, by statute, reply received by the Office later than three months after the mailing and patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tim will apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE.	I. nely filed the mailing date of this communication. D. (35 U.S.C. 8 133)			
Status						
1)⊠	Responsive to communication(s) filed on <u>02 Ma</u>	av 2006				
	This action is FINAL . 2b)⊠ This action is non-final.					
· · · · · · · · · · · · · · · · · · ·	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
,_	closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
Dispositi	on of Claims	,				
	☑ Claim(s) <u>1-8,15-17,19-26 and 29-37</u> is/are pending in the application.					
	4a) Of the above claim(s) is/are withdrawn from consideration.					
	Claim(s) <u>1-8,22-26 and 29-36</u> is/are allowed.					
	Claim(s) <u>15,16,19,21 and 37</u> is/are rejected.					
	Claim(s) 17 and 20 is/are objected to.					
	Claim(s) 17 and 20 is/are objected to. Claim(s) are subject to restriction and/or election requirement.					
		cicolion requirement.				
	on Papers					
	The specification is objected to by the Examine					
10)[The drawing(s) filed on is/are: a) acce					
	Applicant may not request that any objection to the o					
🗖 .	Replacement drawing sheet(s) including the correcti					
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority u	nder 35 U.S.C. § 119					
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 08/574,850. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 						
2) 🔲 Notice 3) 🔲 Inform	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948) nation Disclosure Statement(s) (PTO-1449 or PTO/SB/08) No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal Pa				

An amendment dated 05/02/06 has been considered with the following results:

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 15, 16, 19, 21 and 37 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-5 of U.S. Patent No. 6,621,786. Although the conflicting claims are not identical, they are not patentably distinct from each other because all of limitations recited in claims 15, 16, 19, 21 and 37 of the present application are included in claims 1-5 of the U.S. Patent No. 6,621,786.

See corresponding claims of the present application and US Patent No. 6,621,786 listed below.

Application/Control Number: 10/614,411

Art Unit: 2627

Claims of the present application	Claims of the U.S. Patent 6,621,786	
15	1 and 3	
16	2	
19	4	
21	5	
37	1	

Allowable Subject Matter

- 3. Claims 17 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
- 4. Claims 1-8, 22-26, and 29-36 are allowed over the prior art of record.
- 5. Claims 1-8, 17, 20, 22-26, and 29-36 are allowed over the prior art of record because all of references of the record, viewed as closest prior art and considered alone or in combination, fails to suggest or fairly teach a record carrier including a combination of all of limitations as particularly recited in each of claims 1-5, 17 and 20, and a scanning device including a combination of all of limitations as particularly recited in each of claims 8, 22, 23, 25 and 26. Claims 6, 7, 24, 29-36 are allowed with their respective parent claim.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Response to Arguments

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6. Applicant's arguments with respect to claimed invention have been considered but are

moot in view of the new ground(s) of rejection.

7. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Thang V. Tran whose telephone number is (571) 272-7595. The

examiner can normally be reached on M-F 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Nguyen Hoa can be reached on (571) 272-7579. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thang V. Tran

Primary Examiner

Art Unit 2627